

REMARKS

In accordance with the foregoing, claims 1 and 5 have been amended. Therefore, after entry of the foregoing claim amendments, claims 1-3 and 5 will remain pending and under examination. No new matter is being presented, and approval of the amended claims is respectfully requested.

Changes to the Specification

The specification is objected to under 35 U.S.C. §132(a) as introducing new matter into the disclosure. Specifically, the Examiner states that the amended portions of the specification in the Response filed October 15, 2008 are not supported by the original disclosure.

In response, the paragraph beginning on page 14, line 7, is amended to clarify that the entire front surface of the first case, except for an area exposed by through bore 27, as shown in FIG. 2, is covered or the entire area of the front surface of the first case is exposed, as shown in FIG. 1. Similarly, the paragraph beginning on page 17, line 11, is amended to clarify that substantially the entire front surface of the first case, except for an area exposed by notch 28, as shown in FIG. 5, is covered when the portable telephone is in the first posture.

Applicants submit that support may be found throughout the application, and particularly in FIGS. 1, 2, 4 and 5. In addition, support may be found in claim 3, as originally filed, which recites a hinge mechanism, and claim 5, as originally filed, which recites a sliding mechanism. Original claim 1 recites that “at least a part area of [a] front surface of the first case is covered and is openable to a second posture wherein the part area is exposed...”.

Therefore, the amended specification is submitted to be fully supported by the original disclosure. Reconsideration and withdrawal of the objection to the specification are respectfully requested.

Claim Objection

Claim 5 is objected to as reciting “the first surface” instead of “the front surface”. Claim 5 is amended herein, as the Examiner suggests, to correct this informality.

Rejections under 35 U.S.C. §102(b)

Claim 5 stands rejected as being anticipated by Castiel (U.S. Patent No. 6,249,672). The rejection is respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited reference.

Independent claim 5, as amended herein for further clarification, recites that the pointing device extends to have its outer end projecting to generally the same height as the front surface of the second case provided with the display. (See Figs. 4 and 5, and the corresponding written description, for support).

Castiel discloses an elliptically shaped cellular phone with two slidable modules which are spring biased relative to one another. (Abstract). A spring 400 spring-biases the module 102 relative to the module 104 so that the module 102 automatically moves to the open position when released. The Examiner cites arrow keys 125 as allegedly disclosing a “pointing device”, as recited in independent claim 5. The arrow keys 125 of Castiel are substantially flush against module 104 and do not extend to the front surface of module 102.

Therefore, it is respectfully submitted that Castiel fails to teach or suggest that the pointing device extends to have its outer end projecting to generally the same height as the front surface of the second case provided with the display. As a result, it is respectfully submitted that independent claim 5, as amended, patentably distinguishes over the cited reference.

Rejections under 35 U.S.C. §103(a)

Claims 1-3 stand rejected as being unpatentable over Sassi (U.S. Patent No. 6,487,396) in view of Nguyen (U.S. 5,797,089). The rejections are respectfully traversed and reconsideration is requested. The following is a comparison between embodiments of the present invention and the cited art.

Independent claim 1, as amended for further clarification, recites that the second case has an unobstructed opening extending through the second case from the front surface thereof to the rear surface thereof at the position opposed to the pointing device whereby the pointing device extends into the opening so as to be operable by a user for input manipulation when in the first posture. (See FIGS. 1 and 2 and the corresponding written description for support).

Sassi discloses an electronic device having a first housing part 2 and a second housing part 3. The second housing part 3 includes an opening 3c holding a control means 7, as part of the *second* housing part 3. The Examiner notes that Sassi fails to teach or suggest a first case having a pointing device and, hence, Nguyen is cited as disclosing this feature.

Nguyen discloses a personal communication terminal having a first and second part hinged together. (See FIG. 2). The first part includes a trackball projecting therefrom, which the Examiner cites as allegedly disclosing the pointing device of the first case, as recited in independent claim 1.

However, the trackball of Nguyen is only accessible when the personal communication terminal is open, exposing the entire first part. That is, Nguyen fails to teach or even suggest a pointing device extending into the opening so as to be operable by a user for input manipulation when in the first posture (*i.e.*, when the second case is closable). Therefore, neither Sassi nor Nguyen, alone or in combination, teaches or suggests the foregoing features of amended independent claim 1.

Claims 2-3 depend from claim 1 and inherit the patentability thereof. Thus, it is respectfully submitted that claims 2-3 are patentable for at least the reasons provided above for independent claim 1.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 278542003900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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